

**San José-Santa Clara
Regional Wastewater Facility
Industrial Wastewater Discharge Permit**

Average Daily Process Flow in gal/day	41,352
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PERMIT NO: SC-461B

EFFECTIVE DATE: 11/20/2020

EXPIRATION DATE: 11/19/2025

DATE OF ISSUE: 11/19/2020

NAME OF COMPANY: APPLE, INC.

MAILING ADDRESS: One Apple Park Way
Cupertino, CA 95014

DISCHARGE ADDRESS: 3250 Scott Blvd., Santa Clara, CA 95054

EPA CATEGORY: Electrical and Electronic Components - Semiconductor - New Source

(Under 40 CFR) 40 CFR 469 Subpart A

SIC NO: 3571

This Permit is issued under authority established in the Santa Clara City Code, Chapter 13, Section 10.420, "Mandatory Wastewater Discharge Permits." It is the duty of the permittee to comply with all applicable federal, state, and local laws, whether expressly stated in this permit or not.

All spills, upsets, slugs, bypasses, and or accidental discharges into the storm or sanitary sewer must be reported immediately to the San José-Santa Clara Regional Wastewater Facility at 408-945-3000.

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A.1 FEDERAL DISCHARGE CONDITIONS

The San José-Santa Clara Regional Wastewater Facility intends, but is not obligated, to conduct the following monitoring.

Sample Point 01 - Final Discharge					
Pollutant	Federal Daily Min. S.U.	Federal Daily Max. mg/L	Federal Monthly Average mg/L	City Sample Type	Monitoring Frequency
pH	5.0			GRAB	Semiannual
TTO-F		1.37		GRAB	Semiannual

☒ The Total Toxic Organic compounds applicable to your facility are listed at 40 CFR 469 Subpart A.

Compliance with the discharge limit for Total Toxic Organics (TTOs) is determined by the sum of Total Toxic Organic compounds for the Federal Categorical Standard(s) applicable to your facility, listed in the attached table, and which are found to be present in the discharge at a concentration greater than ten (10) micrograms per liter. For Total Toxic Organics, the method detection limit must be 0.010 mg/L or less.

**Compliance with the conditions of this permit
shall be determined using all applicable limits**

The Federal limits set forth above are:

☒ Concentration Based or discharges prohibited in 40 CFR 403.5

☐ Production Based

☐ Calculated using the Combined Wastestream Formula as specified in 40 CFR 403.6
See calculations on the next page.

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Federal 469.12 List of Total Toxic Organics

The term "Total toxic organics (TTO)" means the sum of the concentrations for each of the following toxic organic compounds which is found in the discharge at a concentration greater than ten (10) micrograms per liter:

1,2,4 Trichlorobenzene	2,4,6 Trichlorophenol
Chloroform	Carbon Tetrachloride
1,2 Dichlorobenzene	1,2 Dichloroethane
1,3 Dichlorobenzene	1,1,2 Trichloroethane
1,4 Dichlorobenzene	Dichlorobromomethane
Ethylbenzene	Pentachlorophenol
1,1,1 Trichloroethane	Di-n-butyl phthalate
Methylene Chloride	4 Nitrophenol
Naphthalene	Anthracene
2 Nitrophenol	1,2 Diphenylhydrazine
Bis (2-ethylhexyl) phthalate	Isophorone
Tetrachloroethylene	Butyl benzyl phthalate
Toluene	1,1 Dichloroethylene
Trichloroethylene	2,4 Dichlorophenol
2 Chlorophenol	Phenol

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A. 2 LOCAL DISCHARGE CONDITIONS-INTERFERING SUBSTANCES AND AVERAGE LIMITS

The San José-Santa Clara Regional Wastewater Facility intends, but is not obligated, to conduct the following monitoring.

Sample Point 01- Final Discharge				
Pollutant	Unit	Daily Minimum	Daily Maximum	Monitoring Frequency
Antimony	mg/L		5.0	
Arsenic	mg/L		1.0	Semiannual
Beryllium	mg/L		0.75	
Cadmium	mg/L		0.70	
Chromium Total	mg/L		1.0	Semiannual
Copper	mg/L		2.3	Semiannual
Cyanide Total	mg/L		0.50	
Lead	mg/L		0.4	
Mercury	mg/L		0.010	
Nickel	mg/L		0.5	Semiannual
Oil and Grease	mg/L		150	
pH	S.U.	6.0	<12.5	Semiannual
Phenols	mg/L		30.0	
Selenium	mg/L		1.0	
Silver	mg/L		0.70	Semiannual
Zinc	mg/L		2.6	Semiannual

- 1) Table reflects the regular frequency for scheduling and collecting Grab and Composite samples by the San José-Santa Clara Regional Wastewater Facility (RWF). The number, location, frequency, and types of samples collected may be changed at the discretion of the RWF.
- 2) Compliance with the local discharge limits for metals will be enforced using Composite or Grab samples.
- 3) The use of Diluting Waters as a partial or complete substitute for adequate treatment, to achieve compliance, or to meet any limitations set forth for wastewater, or to minimize any requirement imposed in a Wastewater Discharge Permit is prohibited.

**Compliance with the conditions of this permit
shall be determined using all applicable limits**

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B. SELF-MONITORING REQUIREMENTS

Any deviation from sampling or analysis protocols specified in this Permit or local, state, or federal code, or any violation of a condition of this Permit may result in the revocation of this Permit.

All wastewater pretreatment and monitoring equipment shall be properly operated and maintained in proper working condition.

Where pretreatment does not exist, all industrial wastewater shall be plumbed in such a way that a sample may be obtained after the process which generates the regulated wastestream, but prior to connection to the sanitary sewer system and prior to the introduction of any non-regulated or dilution flows.

If sampling performed for self-monitoring indicates a violation, the San José-Santa Clara Regional Wastewater Facility must be notified within 24 hours of the permittee becoming aware of the violation. The Permittee must resample, analyze the samples, and submit the resampling results to the San José-Santa Clara Regional Wastewater Facility within 30 days of becoming aware of a violation. A laboratory certified by the California Department of Health Services shall perform testing in accordance with 40 CFR 136.

B.1 SELF-MONITORING REPORTING REQUIREMENTS

All self-monitoring information shall be reported on the standard Self-Monitoring Reporting form, which may be obtained by contacting San José-Santa Clara Regional Wastewater Facility. Reports shall be mailed or delivered to the following address, on or before the reporting deadline(s) specified below, and shall be addressed to the Source Control Inspector assigned to the permittee's facility.

Environmental Services Department
Source Control
200 E Santa Clara St, 7th Floor
San Jose, CA 95113-1905

X	<p>All required self-monitoring reporting shall be submitted by the last day of the following reporting months, each year the Permit is in effect: MARCH AND SEPTEMBER</p> <ul style="list-style-type: none">• For the SMR due on the last day of March, the reporting period is from the first day of September <u>in the previous year</u> to the last day of February <u>in the current year</u>.• For the SMR due on the last day of September, the reporting period is from the first day of March <u>in the current year</u> to the last day of August <u>in the current year</u>.
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The following shall be submitted with each Self-Monitoring Report:

X	Average daily flow in gallons/day
X	Maximum daily flow in gallons/day
X	Results of Part B.2 of this permit
	Water bills for reporting period
X	Copies of daily flowmeter totalizer readings
X	Verification of effluent flowmeter calibration must be submitted annually from the date of initial calibration with the September Self-Monitoring Report
X	Documentation of calculations for reported water use values
	Waste manifests for reporting period
	pH recorder charts
	Average production volume in _____ (units produced) per
X	Copies of self-monitoring analytical results, detection limits, documentation of the method used, and chain of custody, shall be submitted with the permittee's Self-Monitoring Report.
X	If the permittee monitors any pollutant required to be monitored in Part B.2 of this permit more frequently than required by this permit, using collection and analytical methods specified in 40 CFR 136, the result of this monitoring shall be included in the permittee's Self-Monitoring Report pursuant to 40 CFR 403.12 (g) (5).
X	Documentation of the laboratory's quality assurance/quality control (QA/QC) shall be provided with the self-monitoring test results.

COMMENTS:

In the event that the permittee anticipates an average daily production or average daily flow increase or decrease of 20% or more for a period of more than 60 calendar days, the permittee shall notify the Director of Environmental Services in writing prior to the change.

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B.2 SELF-MONITORING REQUIREMENTS-INTERFERING SUBSTANCES

X	Samples shall be collected at the following sample point using methods specified in 40 CFR 136: Located along the discharge pipe after the acid waste neutralization system, after all treatment, and immediately prior to final discharge to the sanitary sewer.
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Pollutant	Monitoring Frequency	Sampling Type*
Arsenic	Semiannual	GRAB
Cadmium		
Chromium Total	Semiannual	GRAB
Copper	Semiannual	GRAB
Cyanide Total		
Cyanide Amenable		
Lead		

Pollutant	Monitoring Frequency	Sampling Type*
Mercury		
Nickel	Semiannual	GRAB
Oil and Grease		
pH	Semiannual	GRAB
Silver	Semiannual	GRAB
TTOs ⁽¹⁾	Semiannual	GRAB
Zinc	Semiannual	GRAB

*A Sampling Type of COMP must be a Composite Sample.

⁽¹⁾ Total Toxic Organics Testing and Certification Requirements:

X	You must either sample for all applicable Total Toxic Organic compounds identified earlier in the included list(s) or certify that you have implemented a Toxic Organic Management Plan. All analyses must be performed per current EPA method(s).
	Submit sample results for all Total Toxic Organic compounds with each Self-Monitoring Report.
X	Submit certification that a Toxic Organic Management Plan is being implemented with each Self-Monitoring Report.

COMMENTS: In the event that monitoring by the POTW or the permittee demonstrates a violation of the federal discharge standard for TTOs, the permittee may not certify in lieu of testing. The permittee shall sample **monthly** for those TTO compounds in violation until it is demonstrated that the Toxic Organic Management Plan is adequate to prevent further violations. The permittee shall continue to sample **monthly** until written notice removing this requirement is received from the San José-Santa Clara Regional Wastewater Facility.

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B.3 EQUIPMENT REQUIRED

X	COMPOSITE SAMPLER
X	Capacity: <u> 2.5 </u> gallons
X	Refrigerated to 4 degrees Centigrade
	Flow proportional
X	Time proportional

X	FLOW METER		
X	Continuous non-resettable totalizing meter		
	Influent		
X	Effluent from pretreatment		With chart recorder
	Influent dedicated to process		

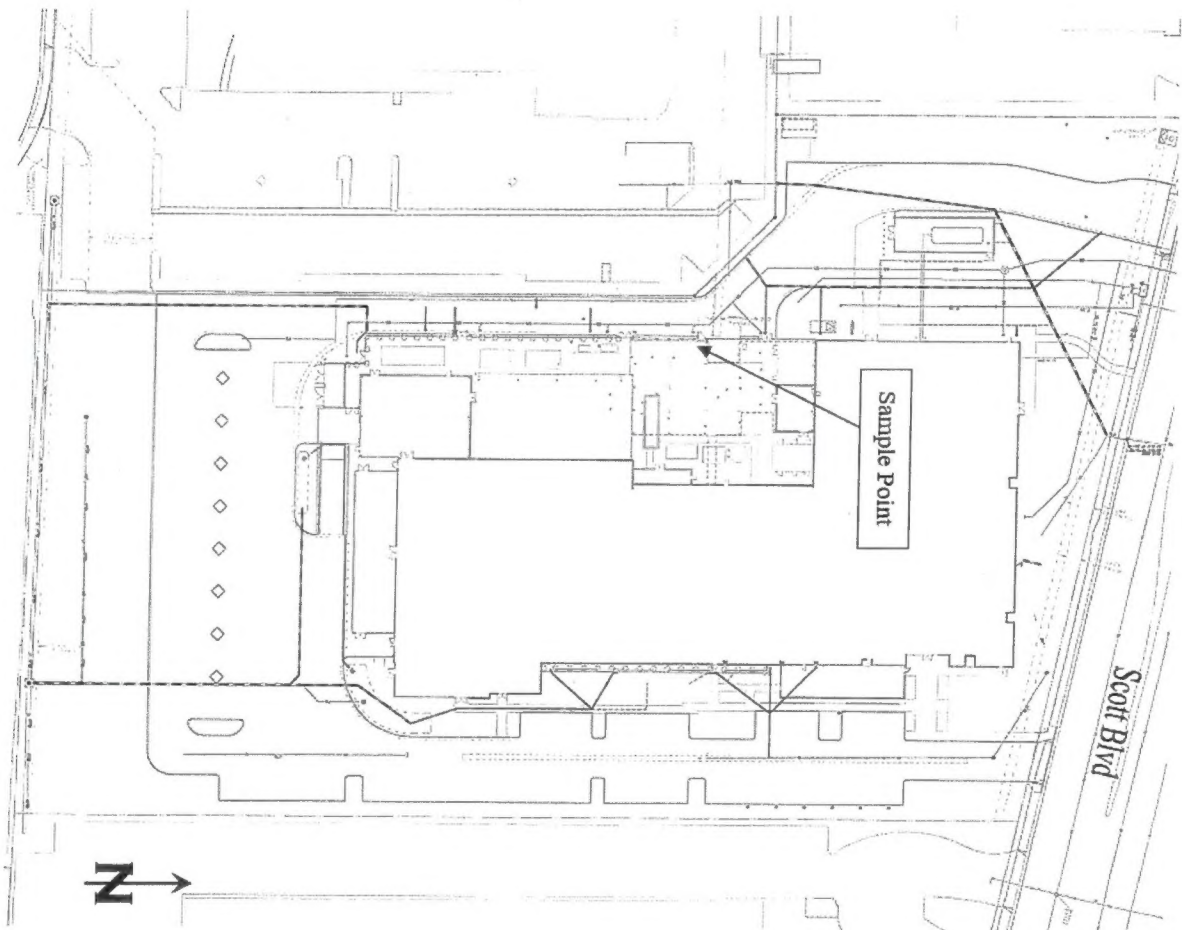
X	CONTINUOUS pH RECORDER (0-14 Scale)
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X	SAMPLING POINT (Clearly Labeled)
X	Minimum <u> 5 </u> gallons
	Install within _____ days of the issuance date of this Permit
X	Clearly identified on a pretreatment plumbing diagram
X	Clearly identified on analytical results submitted with Self-Monitoring Reports

	OTHER
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APPLE, INC. SITE PLAN



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C. OTHER REQUIREMENTS

Within ____ days of Permit issuance, establish or install the following:

____ A non-resettable effluent totalizing flow meter

____ With recording capability

This flow meter shall be calibrated according to the manufacturer's recommendations. Documentation of calibration shall be submitted with the results of Part B.2 of this permit.

____ A non-resettable influent totalizing flow meter dedicated to process.

____ A method of accurate flow quantification with documentation approved by the Director of Environmental Services

	Within 60 days of Permit issuance, a Waste Minimization Plan prepared in accordance with established guidelines must be submitted.
	Submit a Waste Minimization update annually in ____ of each year.
	Within 90 days of Permit issuance, a Solvent Management Plan prepared in accordance with established guidelines must be submitted. The permittee must certify that the Solvent Management Plan is being implemented.
	Within 90 days of Permit issuance for first time permittees, or by ____ for current permittees, a plan for the prevention of Slug Discharges must be submitted. The plan shall be prepared in accordance with the guidelines set forth at 403.8 (f) (2) (v). The permittee must certify that the Slug Prevention Plan is being implemented.
X	In order to certify in lieu of testing for Total Toxic Organic compounds with each Self-monitoring Report, a Toxic Organic Management Plan prepared in accordance with established guidelines must be submitted and approved.
	See additional requirements attached.

D. COMPLIANCE SCHEDULE

X None

____ See compliance schedule established on ____.

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E. STIPULATIONS

ACCIDENTAL DISCHARGE

The Permittee shall provide protection from accidental discharge of prohibited materials or other wastes regulated by City of Santa Clara Code Chapter 13.10 into either the storm sewer or sanitary sewer systems.

Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the Permittee's expense.

The Permittee shall notify the San José-Santa Clara Regional Wastewater Facility, the City of San José Environmental Services Department, and the City of Santa Clara by telephone or in person within one (1) hour of becoming aware of accidentally discharging wastes of reportable quantities as determined in 40 CFR 117 or discharge of any substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261, to enable countermeasures to be taken by the San José-Santa Clara Regional Wastewater Facility and the City of San José Environmental Services Department to minimize damage to the sanitary sewer system, plant, treatment processes, and the receiving waters. If hazardous waste is discharged, the Permittee shall be subject to all requirements in 40 CFR 403.12(p).

Permittee telephone notification shall be followed, within five (5) days of the date of occurrence, by a detailed written statement describing the causes of the accidental discharge and the measures being taken to prevent future occurrences.

Notification to the City will not relieve the Permittee of notification requirements under any other federal, state or local law, nor of liability for any expense, loss or damage to the sanitary sewer system, Plant or treatment process or receiving waters or for any fines or penalties imposed on the City of San José Environmental Services Department and the City of Santa Clara on account thereof under applicable provisions of state or federal law.

The Permittee must maintain a spill control plan for protection against accidental discharges, including but not limited to, berming of chemicals and waste materials. The review of such plans and procedures shall not relieve the Permittee from the responsibility of modifying the facility as necessary to provide the protection necessary to meet the requirements of City of Santa Clara Code Chapter 13.10 or other state or federal regulations.

The plan must be reviewed and revised as needed within thirty (30) days after an accidental discharge has occurred or as required by the director.

APPLICABLE PENALTIES

Any person who intentionally or negligently violates any provisions of the Permit issued, or who intentionally or negligently discharges waste or wastewater which causes pollution, or violates any effluent limitation, National Standard of Performance, or National Pretreatment or Toxicity Standard, may be civilly liable to the City for a sum of up to Ten Thousand Dollars (\$10,000) for the first day in which such violation occurs, up to Twenty-Five Thousand Dollars (\$25,000) for the second day in which such violation occurs and Fifty Thousand Dollars (\$50,000) for each additional day. Any violation of the local daily maximum discharge conditions, or any other violation of the Santa Clara Sewer Use Ordinance (Santa Clara City Code, Section 13.10 et seq.) is punishable by a fine of up to One Thousand Dollars (\$1,000.00) or imprisonment in the city or county jail for a period of up to (6) six months, or both such fine and imprisonment. Each day such violation

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continues is a separate offense. Violation of any of the provisions of this Permit or the falsification or misrepresentation of information by the Permittee may constitute a violation of local, state or federal law and may result in the revocation of the Permit and the issuance of a Cease and Desist Order.

BYPASS PROHIBITION AND PROVISIONS

"Bypass" means the intentional diversion of wastestreams from any portion of a Permittee's treatment facility.

A Bypass is prohibited, and the City of San José Environmental Services Department and City of Santa Clara may take enforcement action against a Permittee for a bypass, unless;

- A. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage, i.e., substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production;
- B. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
- C. The Permittee submitted notices as required by the following:

Notice of Bypass

- 1. If a Permittee knows in advance of the need for a bypass, the Permittee shall submit prior notice to the City of San José Environmental Services Department, if possible at least ten days before the date of the bypass.
- 2. A Permittee shall submit oral notice of an unanticipated bypass that exceeds applicable Pretreatment Standards to the City of San José Environmental Services Department and San José-Santa Clara Regional Wastewater Facility within 24 hours from the time the Permittee becomes aware of the bypass. A written submission shall also be provided within five days of the time the Permittee becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

The Director of the Environmental Services Department may approve an anticipated bypass, after considering its adverse effects, if the Director determines that the bypass will meet the three conditions A through C.

COMPOSITE SAMPLE

A composite sample must represent the discharge from a production day. The Permittee shall collect composite samples over the part of the day when wastewater is being discharged.

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DUTY TO MITIGATE

The Permittee shall mitigate or take all reasonable measures to lessen the duration and severity of any Permit violation.

TRANSFERABILITY

Wastewater Discharge Permits are issued to a specific user for a specific operation. This Wastewater Discharge Permit shall not be reassigned, transferred, or sold to a new owner or user or used on premises for facilities or operations not covered by the permit without prior approval of the Director.

Wastewater Discharge Permits may be transferred to a new owner or operator only if the permittee provides advance written notice to the Director and the Director approves the Wastewater Discharge Permit transfer. The notice to the Director must include a certification by the new owner or operator which:

- A. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- B. Identifies the specific date on which the transfer is to occur; and
- C. Acknowledges full responsibility for complying with the existing individual wastewater discharge permit.

Failure to provide advance notice of a transfer renders the Wastewater Discharge Permit void as of the date of facility transfer.

Upon an approved transfer, the existing owner or operator shall provide a copy of this Wastewater Discharge Permit to the new owner or operator. The new owner or operator shall submit a Wastewater Discharge Permit Application and appropriate permit application fee to the City of San José Environmental Service Department within 30 days of the date of the approved transfer.

NOTIFICATION OF CHANGE

The Permittee shall promptly notify the City of San José Environmental Services Department of any significant change in quantity or quality of the discharge as reported in the Permit application. In the event of such change, a new application will be required. Notification of such change shall be provided to the City of San José Environmental Services Department at least 30 days prior to such change.

"Significant Change" includes but is not limited to, any change in a Permittee's operation that results in any of the following:

- A. An increase or decrease in annual average process flow of twenty-five percent (25%) over the standard discharger's average process flow for the Permittee's most immediate preceding twelve (12) months.
- B. An increase or decrease in annual average process flow that results in a change from low flow discharger to standard discharger or from standard discharger to low flow discharger.

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- C. An increase or decrease in annual average process flow that results in a change from non-significant industrial user to significant industrial user or from significant industrial user to non-significant industrial user.
- D. An increase or decrease in annual production rate of twenty-five percent (25%) for any Permittee subject to production-based limits over the Permittee's production rate for the most immediately preceding twelve (12) months.
- E. Adding or deleting process discharge or sample points.
- F. Waiver of monitoring requirements for any pollutant not present.

NOTIFICATION OF DISPOSAL

Within 180 days of the commencement of discharge to the sanitary sewer of any substance which, if otherwise disposed of would be a hazardous waste under 40 CFR 261, the Permittee shall notify the EPA, the State, the San José-Santa Clara Regional Wastewater Facility and the City of San José Environmental Services Department of the discharge of these wastes, and anticipated discharges of these wastes over a calendar month and a calendar year. This reporting does not apply to the discharge of less than 15 kilograms per month unless the wastes are "acutely hazardous" wastes, as specified in 40 CFR 261.30(d) and 261.33(e).

NOTIFICATION OF SLUG LOADING

A Slug Discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the San José-Santa Clara Regional Wastewater Facility's regulations, local limits, or National Pollutant Discharge Elimination System Permit conditions. The results of such activities shall be available to the City of San José Environmental Services Department upon request.

A Permittee that is also a Significant Industrial User is required to notify the City of San José Environmental Services immediately of any changes at its facility affecting the potential for a Slug Discharge. If the City of San José Environmental Services decides that a slug discharge control plan is required, the plan shall contain, at a minimum, the following elements:

- A. Description of discharge practices, including non-routine batch discharges;
- B. Description of stored chemicals;
- C. Procedures for immediately notifying the San José-Santa Clara Regional Wastewater Facility of slug discharges, including any discharge that would violate a prohibition under § 403.5(b) with procedures for follow-up written notification within five days;
- D. If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

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POWER TO INSPECT

The City of San José Director of the Environmental Services Department and other duly authorized employees and agents of the City of San José Environmental Services Department or other representative City of Santa Clara personnel bearing credentials and identification shall have the right to access upon all properties for the purpose of inspecting any sewer or storm drain connection, including all discharge connections of roof and surface drains and plumbing fixtures; inspecting, observing, measuring, photographing, sampling, and testing the quality, consistency, and characteristics of sewage and industrial wastewaters being discharged into any public sewer or natural outlet; and inspecting and copying any records relating to quantity and quality of wastewater discharges, including but not limited to water usage and effluent discharged, chemical usage, and hazardous waste records.

The City of San José Director of the Environmental Services Department and the City of Santa Clara may terminate service or revoke the Permit of any person who has discharged wastewater to the sanitary sewer system and has unreasonably refused access to the representatives and agents of the City, as described in this stipulation.

PROHIBITED SUBSTANCES

Permittee shall comply with discharge prohibitions set forth in Santa Clara City Code, Chapter 13.10, which contains sections which prohibit the discharge of several substances and a number of additional types of pollutants. It is the duty of the permittee to become acquainted with these prohibitions, and to take all reasonable measures to assure that no violations of the prohibitions in Chapter 13.10 occur as a direct or indirect result of the permittee's activities or discharge.

RECORD KEEPING

All submitted and onsite records shall be retained for a minimum of three years. This period shall be automatically extended for the duration of any enforcement action concerning the Permittee, or where the Permittee has been specifically notified of a longer retention period as required by the Director of the City of San José Environmental Services Department. Such records shall be available for inspection and copying by the City of San José Director of the Environmental Services Department, and other duly authorized employees and agents of the City of San José Environmental Services Department or other representative City of Santa Clara personnel bearing credentials and identification. Records shall include the date, exact place, method and time of sampling and the names of the person or persons taking the sample, the dates analysis were performed, the name of person(s) who performed the analysis, quality assurance and quality control data, the analytical techniques/methods used, and the results of such analysis.

SEVERABILITY

The provisions of this Permit are severable, and if any provision of this Permit, or the application of any provision of this Permit to any circumstance is held invalid, the application of such provisions to other circumstances, and the remainder of this Permit, shall not be affected thereby.

SLUDGE AND HAZARDOUS WASTE DISPOSAL

The Permittee shall properly dispose of pretreatment or other sludge and any hazardous wastes (e.g., spent chemicals) used or generated at the Permittee's facility so as to prevent the discharge of such materials to the San José-Santa Clara Regional Wastewater Facility or sanitary sewer.

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SIGNATORY REQUIREMENTS

Any reports submitted pursuant to Part B. 2 or Part C, or as Notification per these Stipulations of this Permit shall be signed as follows:

- A. By a responsible corporate officer if the Permittee submitting the reports is a corporation. For the purposes of this Permit, a responsible corporate officer shall be defined as (1) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation or, (2) the manager of one or more manufacturing, production, or operation facilities, who is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for Permit requirements, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- B. By a general partner or proprietor if the Permittee submitting the reports is a partnership or sole proprietorship respectively.
- C. By a duly authorized representative of the responsible corporate officer, general partner or proprietor, when that authorization is made in writing and submitted with the report to the City of San José Environmental Services Department. The authorization shall specify either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, or having overall responsibility for environmental matters for the company. If an authorization under this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of this section must be submitted to the City of San José Environmental Services Department prior to or together with any reports to be signed by an authorized representative.

SUBMISSION OF PERMIT APPLICATION

Unless otherwise specified in the conditions of the existing Permit, a new Permit application must be submitted at least ninety (90) days prior to (1) commencing discharge to the sanitary system, (2) commencing operation of a zero discharging categorical process, or (3) expiration of existing discharge permit and must be accompanied by the appropriate fees.

TERMINATION OF SERVICE, REVOCATION AND PERMIT MODIFICATION

Pursuant to Chapter 13.10 of the Santa Clara City Code, the City of Santa Clara Director of Water and Sewer Utilities and the City of San Jose Director of Environmental Services, City of Santa Clara may modify the Permit with thirty days written notice to the permittee, revoke the Permit with ten days written notice to the permittee, and/or suspend service if the permittee uses the sanitary sewer in a manner or way that endangers the public health or safety, or public or private property. If such endangerment is imminent, or for any other reason the City of Santa Clara Director of Water

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and Sewer Utilities and the City of San José Director of Environmental Services deems sufficient cause, the City of Santa Clara Director of Water and Sewer Utilities and the City of San José Director of Environmental Services may act to suspend service immediately.

UPSET

"Upset" means an unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

UPSET - REBUTTAL

The following circumstances may be raised as an affirmative defense to an action brought for noncompliance with categorical pretreatment standards:

- A. The Permittee can demonstrate through properly signed, contemporaneous operating logs, or other relevant evidence that:
 1. The Permittee can identify the cause(s) of the Upset;
 2. When the upset occurred, the facility was being operated in a prudent and workman-like manner, and in compliance with applicable operation and maintenance procedures;
 3. The Permittee has submitted the following information to the City of San José Environmental Services Department:
 - a. A description of the discharge to the San José-Santa Clara Regional Wastewater Facility or sanitary sewer and the cause of the noncompliance;
 - b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - c. Steps being taken and/or planned to be taken to reduce, eliminate and prevent recurrence of the noncompliance.
 4. The Permittee shall report the information specified in subsection A.3 to the City of San José Director of Environmental Services or designee within twenty-four (24) hours of becoming aware of the Upset, and provide written notice within five (5) days of becoming aware of the Upset.
- B. The Permittee seeking to establish the occurrence of an Upset as an affirmative defense shall have the burden of proof.
- C. The Permittee shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. The requirement under this Section applies even in a situation where the primary source of power of the treatment facility is reduced, lost or fails.

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F. AGENCY APPROVAL

INSPECTOR


Chris Fivecoat (Nov 12, 2020 11:07 PST)

Chris Fivecoat

PERMIT WRITER


John Fosnaugh (Nov 12, 2020 11:10 PST)

John Fosnaugh

KERRIE ROMANOW
Director
Environmental Services Department


Rajani Nair (Nov 13, 2020 13:11 PST)

By: RAJANI NAIR
Deputy Director
Environmental Services Department
Watershed Protection Division

Nov 13, 2020

DATE

DIANE ASUNCION
Acting Compliance Manager
City of Santa Clara



Environmental Services Department

SAN JOSÉ-SANTA CLARA REGIONAL WASTEWATER FACILITY
WATERSHED PROTECTION

CONTRIBUTING AGENCIES

CITY OF SAN JOSÉ
CITY OF SANTA CLARA
COUNTY SANITATION DIST. NO. 2 - 3
BURBANK SANITARY DISTRICT
CUPERTINO SANITARY DISTRICT
CITY OF CUPERTINO
CITY OF MILPITAS
WEST VALLEY SANITATION DISTRICT
CITIES OF CAMPBELL, LOS GATOS
MONTE SERENO, AND SARATOGA

11/19/2020

Mr. Tom Huynh
Apple, Inc.
One Apple Park Way
Cupertino, CA 95014

Discharge Address: 3250 Scott Blvd., Santa Clara, CA 95054

Dear Mr. Huynh:

Enclosed is Wastewater Discharge Permit No. SC-461B issued to Apple, Inc., 3250 Scott Blvd., Santa Clara, CA 95054, dated November 20, 2020. This Permit expires on November 19, 2025. Please note any special requirements in your Permit regarding equipment installation and the submittal schedule for self-monitoring reports.

An application for permit renewal is due ninety days prior to the expiration date for this Permit, and must be accompanied by the appropriate permit fee. Applications received after the due date will be subject to delinquent fees and enforcement actions.

If the quantity or strength of the wastewater discharged from your firm substantially changes, an application for a new permit must be submitted pursuant to Section 13.10.440 of the Santa Clara City Code.

Any questions or comments regarding your Permit should be directed to Chris Fivecoat, the Environmental Inspector assigned to your company. Mr. Fivecoat can be reached at (408) 793-4382 or chris.fivecoat@sanjoseca.gov.

Sincerely,

Rajani Nair

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RAJANI NAIR
Deputy Director

Enclosure

cc: Diane Asuncion, Acting Compliance Manager, City of Santa Clara